

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments affect Medicaid coverage for drugs by:

- Removing coverage for lipase inhibitor drugs when used to promote weight loss;
- Removing coverage for prescription drugs and certain nonprescription products used for symptomatic relief of cough and colds; and
- Updating the list of covered nonprescription drugs to reflect current rebatable drugs.

2011 Iowa Acts, House File 649, allows the Department to implement the Medicaid cost containment strategies recommended by Governor Branstad. Federal Medicaid law allows states to exclude coverage for these two categories of drugs, and eliminating coverage for them is one of the recommended strategies.

Lipase inhibitor drugs are the only weight-loss drug category currently covered in Iowa. There is one covered lipase inhibitor drug which will no longer be payable. This drug has minimal utilization (due to side effects) and effectiveness. Alternative nonpharmaceutical treatment options exist that are at least as effective as, if not more effective than, that drug.

Iowa presently covers a limited number of preferred nonprescription and prescription cough and cold products. These amendments retain coverage only for products that are both cost-effective and supported by sufficient clinical evidence. Coverage for all prescription cough and cold products is eliminated. These products tend to be combinations of multiple ingredients, some at subtherapeutic doses that have minimal effectiveness, with an increased tendency toward side effects and drug interactions. Alternative nonpharmaceutical options for treatment also exist.

Nonprescription products that contain only one or two ingredients, a decongestant and cough syrup containing dextromethorphan, will remain payable. There is evidence to support or expert opinion recommending treatment of symptomatic cold symptoms with a decongestant and some evidence to support the use of dextromethorphan.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 9699B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before September 27, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because the savings assumed in the Department’s appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).